

12.539 USE OF DIVISION ISSUED BODY WIRES

References:

Procedure 12.131 - Confidential Informant
Management and Control
Manual of Rules and Regulations: 1.02, 1.16, 1.21,
1.31, 7.01, 7.04
Standards Manual - 15.5.2, 17.5.3, 43.1.4, 51.1.2
Ohio Revised Code 2933.51-66 - Wiretapping,
Electronic
Surveillance
Title 47 Code of Federal Regulations, Part 90.20
Title XVIII U.S. Code, Section 2511 - Interception
of Wire, Oral,
and Electronic
Communications

Definition:

Body Wires - include any device or system, normally designed for concealed wear on the body, that is capable of transmitting, receiving, or recording oral communication.

Purpose:

To provide for the safe, legal, and effective use of Division issued body wires.

To ensure that access, use, and storage of this equipment is properly managed.

To ensure that officers are properly trained in the operation of these devices and have knowledge of the state and federal laws governing their use.

Policy:

Officers operating body wires must strictly adhere to all laws regulating their use. Officers must be aware that at least one party to a conversation must consent to its recording and/or transmission in the absence of an interception search warrant pursuant to O.R.C. 2933.53.

Officers certified under O.R.C. 2933.64 may apply for a court order authorizing the use of a concealed transmitter or recorder without a consenting party present.

Officers will only use these systems during official investigations and with prior supervisory approval.

Each District/Section/Unit that utilizes body wires will establish a Standard Operating Procedure (SOP). The SOP will provide unit specific information and instruction regarding the control, operation, and storage of the system.

Procedure:

A. Training:

1. Permit only personnel that are trained in the use of body wires to operate the equipment.
 - a. This training will be specific to the type and model of body wire used by that District/Section/Unit.
2. Each District/Section/Unit will maintain a list of trained personnel.

B. Operational and Officer Safety Considerations:

1. Conduct an operational test of the body wire before each use.
2. During field operations, a minimum of two officers is needed to monitor and, if a recorder is used, record audio transmissions at the receiver site.
 - a. One officer will operate the recorder, if used, and monitor the transmissions.
 - b. One officer will relay information to other officers on the surveillance.

3. Two officers are not needed at the receiver site if other officers on the surveillance have scanners capable of monitoring the transmissions.
4. The body wire transmitter should be worn on an undercover officer whenever possible.
 - a. The transmitter may be worn by a confidential informant (CI) subsequent to completion of a Form 281, Concealed Transmitter and Recording Consent.
5. If the transmitter cannot be worn on the body, the consenting party must be close enough to the transmitter to overhear any conversation it may pick up.
6. A transmitter or recording device cannot be left unattended in the **ON** position.
 - a. Conversations recorded without the consent of at least one party to that conversation are not admissible in court and may subject the offender to criminal prosecution.

C. Storage:

1. Store body wire equipment in a locked office or locker accessible only by a supervisor or his designee.
 - a. Remove all batteries from the equipment before storage.
2. Complete a blotter entry detailing each use of the body wire equipment. This entry will include:
 - a. Time In/Out
 - b. Name of officer(s) using the equipment
 - c. Signature of supervisor approving the use

d. Reason for use

3. Monthly, a District/Section/Unit supervisor, or his designee, will inspect the body wire equipment ensuring it is maintained in a state of operational readiness.
4. Store any recorded intelligence information separately from all other records. Distribute only to criminal justice agencies on a need to know basis.